

FILE COPY

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	90 BAC 59,
MICHAEL A. GLODOWSKI, and	:	
MICHAEL S. NIX	:	
Respondents.	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Michael A. Glodowski
102 Cumberland Lane
Madison, WI 53714

Michael S. Nix
1842 Helena Street
Madison, WI 53704

Wisconsin Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael A. Glodowski, is and was at all times relevant to the facts set forth herein a cosmetology establishment manager licensed in the State of Wisconsin pursuant to license # 16941.

2. Respondent Glodowski did, on approximately 134 days between March 20 and October 7, 1990, employ Michael Nix, an unlicensed person, to perform cosmetology services within the J C Penney Styling Salon establishment which he managed, and did fail to report such practice to the Board. The work of Nix amounted to the equivalent of 102 full time work days.

3. Respondent Michael S. Nix, was licensed as a temporary permittee of the Board as a cosmetologist on and between 9/19/89 and 3/19/90. He became a regularly licensed cosmetologist in the state of Wisconsin on November 29, 1990, and holds license # 70831.

4. Respondent Nix did, on approximately 134 days between March 20 and October 7, 1990, perform cosmetology as an unlicensed person within the J C Penney Styling Salon establishment, and did fail to report such practice to the Board. Respondent's work amounted to the equivalent of 102 full time work days.

CONCLUSIONS OF LAW

5. The Board has jurisdiction to act in this matter pursuant to sec. 454.15, Wis. Stats.

6. The Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

7. The conduct described in paragraphs 2 and 4, above, violated s. BAC 2.04, Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that each respondent shall pay a forfeiture of \$1020, payable in monthly installments of \$100 minimum commencing forthwith. The entire forfeiture shall be paid by March 31, 1992.

Dated this 9 day of OCT, 1991.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

by: Henry H. Moore
a member of the Board

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

Michael A. Glodowski and
Michael S. Nix
Respondents

:

:

:

STIPULATION

90 BAC 59

It is hereby stipulated between the above respondents, personally, and the Department of Regulation and Licensing, Division of Enforcement by its undersigned attorney as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondents by the Division of Enforcement. Respondents consent to the resolution of this investigation by Stipulation and without the necessity of a hearing on the formal complaint which has been issued..

2. Respondents are aware and understands their rights with respect to disciplinary proceedings, including the right to a statement of the allegations against them; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalves and to compel attendance of witnesses by subpoena; the right to testify themselves; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents voluntarily and knowingly waive the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondents are aware of their rights to seek legal representation and have obtained legal advice prior to execution of this Stipulation.

5. With respect to the attached Final Decision and Order, respondents admit the facts set forth in the Findings of Fact, and further agree that the Board may reach the conclusions set forth in the Conclusions of Law, and may enter the Order.

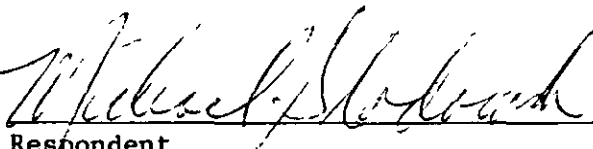
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

7. If the Board accepts the terms of this Stipulation, the parties to this Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

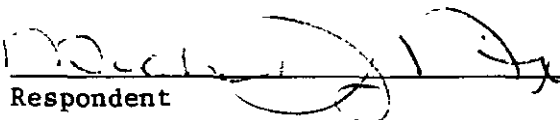
8. Respondents agree that an attorney for the Division of Enforcement may appear at any deliberative meeting of the Board, in open or closed session, without the presence of respondents or their attorney, with respect to this Stipulation but that appearance is limited to statements solely in support of this Stipulation, and to answering questions asked by the Board and its staff, and for no other purpose.

9. The Division of Enforcement joins respondents in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

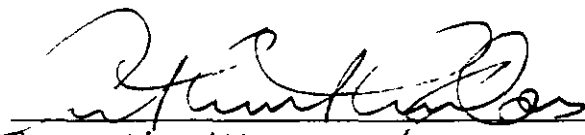
10. Respondents understand that should the board adopt this stipulation, the board's final decision and order adopting the terms of the stipulation shall be published in the Monthly Disciplinary Report issued by the department, and a summary of the order adopting the terms of the stipulation shall be published in the Wisconsin Regulatory Digest issued semiannually by the department, all of which is standard Department policy and in no way specially directed at respondents.


Respondent

4-16-91
Date


Respondent

4/16/91
Date


Prosecuting Attorney
Division of Enforcement
345

4-12-91
Date

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times all owed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Barbering and Cosmetology Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Barbering and Cosmetology Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Barbering and Cosmetology Examining Board.

The date of mailing of this decision is October 8, 1991.